

11/2/2018

JULIA C. DUDLEY, CLERK
BY: *H. Whipple*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

UNITED STATES OF AMERICA,)	Case No. 3:18cr25
)	
v.)	<u>ORDER</u>
)	
BENJAMIN DRAKE DALEY)	
MICHAEL PAUL MISELIS)	
THOMAS WALTER GILLEN)	
COLE EVAN WHITE)	By: Joel C. Hoppe
Defendants.)	United States Magistrate Judge

Before the Court is the Government's Motion to Exclude Time under the Speedy Trial Act ("Motion"). ECF No. 29.

On November 1, 2018, the Court arraigned Benjamin Drake Daley ("Daley"), Michael Paul Miselis ("Miselis"), and Thomas Walter Gillen ("Gillen") on the Indictment. Each of these three Defendants pled not guilty.¹ Calculation of speedy trial time begins to run from the date the defendant enters a not guilty plea. 18 U.S.C. § 3161(c)(1). Although Defendants Daley, Miselis, and Gillen have entered pleas to the charges, a fourth Defendant, Cole Evan White, has not made an appearance in this District or entered a plea. Defendant White is being transported in custody, and the Government anticipates that he will arrive in this District on November 15, 2018. The period of delay, so long as it is reasonable, until Defendant White enters a plea in this case shall be excluded from computing the time for trial to commence as to all Defendants. *See* 18 U.S.C. § 3161(h)(6).

For these reasons, the Court finds that the time between November 1, 2018, and November 15, 2018, is a reasonable period of delay under 18 U.S.C. § 3161(h)(6) for a co-

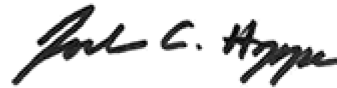
¹ During the arraignments of Defendants Daley, Miselis, and Gillen, counsel for those Defendants stated that they did not oppose the Motion.

defendant who is joined for trial to be transported to the Western District of Virginia for his first appearance.

Accordingly, the Motion is GRANTED and the time between November 1, 2018, and November 15, 2018, is EXCLUDED from the computation of time under the Speedy Trial Act, 18 U.S.C. § 3161.

It is so ORDERED.

ENTER: November 2, 2018

A handwritten signature in black ink, appearing to read "Joel C. Hoppe". The signature is written in a cursive, flowing style.

Joel C. Hoppe
United States Magistrate Judge